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SUBJECT: GDRC EFFORTS TO ORGANIZE THE ARMED FORCES

11. (SBU) Summary: On October 1, a draft Law to Organize the Armed Forces, a critical component of national institutional reform, was introduced in the National Assembly. Parliamentarians invited Defense Minister Charles Mwando Nsimba to explain the reform plan on October 6. While the Kabila administration defends the draft law as a necessary step toward solidifying the country's defenses, some observers find the concentration of military command in the presidency contrary to the constitution. End summary.

The Kabila Administration: A United Front

12. (U) Defense Minister Charles Mwando Nsimba told the National Assembly on October 6 that the three-phase reform would require ten years to develop a modern national army subject to civilian control and capable of defending the country. The phases progress from individual soldier, to unit, and ultimately coordinated national defense. In prepared comments, Mwando said the reform plan's first phase (2009-11) centers on the entire career of a soldier from recruitment and training, to equipping and paying, and ultimately retirement. The stated goal of phase one is to develop soldiers capable of replacing MONUC personnel. Phase two (2012-16) would develop units in terms of both territorial organization and combat capabilities, with an emphasis on mounting defensive operations and deploying rapid reaction forces. Phase three (2017-19) would optimize the military to serve as a credible deterrence force for national defense.

Opposition: "Focus on Meaningful Reforms"

13. (U) Senator Jacques Djoli (MLC), interviewed by Radio Okapi on October 8, said the draft law is too narrowly focused on organization, costs, and implementation time. Djoli, vice president of the Senate's Defense and Security Commission, said the law should focus on improving FARDC living conditions and rationalizing the Army admission process, which he likened to "a bin where they can throw everyone and rank them regardless of merit."

14. (U) In a balanced editorial headlined "Army Reform: Now or Never," local daily Le Potentiel called the reform plan "a realistic approach with a national vision." The independent newspaper asked if the DRC has the political will to see through the reform mandate by which the Congolese government was elected in 2006.

15. (SBU) A preliminary analysis by MONUC officials criticizes the proposed law for centralizing both operational and tactical command and control in the presidency, leaving undefined the size and capacities of the force components, and weakening military justice by not clearly placing it under the authority of the supreme "Cour de Cassation" (military court system) as called for in the Constitution.

16. (SBU) Comment: Article 191 of the Constitution states that an

organic law should define the organization and functioning of the armed forces. However, the law under consideration does not define those roles, but leaves them up to presidential decision-making. Indeed, the Defense Minister and the military high command would lose powers under the proposed law that gives development of defense policy -- without legislative oversight -- to the president as supreme commander. The authority of senior military leadership would be limited to administrative and logistical coordination. In a nod to rule of law, some local commentators observe that President Qa nod to rule of law, some local commentators observe that President Kabila is codifying what he would have done even without legislative authorization. End comment.

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